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REMARKS/DISCUSSION OF ISSUES

Upon entry of the present amendment, claims 1-3, 6, 9-16, 19-20, and 22-34 are pending, with claims 1, 15 and 28 being the independent claims.

Applicant respectfully requests review of the drawings for acceptability.

Objections to the Specification

The undersigned attorney has reviewed the objection to the title and respectfully traverses this objection. It is respectfully submitted that the title is descriptive and technically accurate as set forth in MPEP § 606.

Withdrawal of the objection to the title is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

The Office rejects claims 1-5, 9-13, 15-18, 22-26 and 28-34 under 35 U.S.C. § 102(a) as being anticipated by *Jalali, et al.* (US 6,154, 659). For at least the reasons that follow, claim 1 and the claims that depend therefrom, claim 15 and the claims that depend therefrom, and claim 28 and the claims that depend therefrom, are patentable over the applied art.

To properly establish a *prima facie* case of anticipation, *all* of the claims elements must be found in the prior art. It follows, therefore, that if a *single* claimed element is not found in the prior art, a *prima facie* case of anticipation cannot be properly established.

Claim 1 is drawn to a power control system for making inner loop forward control power decisions and generating a corresponding power control signal for transmission to a base station. Claim 1 features:

“...a demodulator that demodulates a power control bit (PCB) from the base station, the PCB having a power value, the demodulated (PCB) including a noise component that is perpendicular to a signal axis of the PCB...”

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Claim 15, also drawn to a power control system includes similar features; as does claim 28, which is drawn to a method.

Unlike the features of independent claims 1, 15 and 28, the reference to *Jalali, et al.* lacks at least the disclosure of a power control bit (PCB) with the features recited in the independent claims. The Office Action asserts that at column 2, lines 19-30 the reference to *Jalali, et al.* discloses, *inter alia*, the PCB. However, a review of this portion of *Jalali, et al.* reveals no such disclosure. Furthermore, it is respectfully submitted that the PCB as featured in claims 1, 15 and 28 is not disclosed in the reference to *Jalali, et al.* For at least this reason, it is respectfully submitted that independent claims 1, 15 and 28 and the claims that depend therefrom are patentable over the applied art. Allowance is earnestly solicited.

Claim Rejections under 35 U.S.C. § 103

The Office rejects claims 6-8 and 19-21 as being obvious in view of *Jalali, et al.* and *Kim* (U.S. Patent 6,304,562). Moreover, the Office rejects claims 14 and 27 as being obvious in view of *Jalali, et al.* and *Sawyer* (U.S. Patent 5,634,195).

Claims 7, 8, 20 and 21 have been cancelled rendering this rejection moot.

All of the remaining claims rejected under 35 U.S.C. § 103(a) depend directly or indirectly from an independent claim. As such, and without conceding to the propriety of the rejections under 35 U.S.C. § 103 or the propriety of the combination of applied references, these claims are allowable.

Conclusion

In view of the foregoing, Applicant respectfully requests that all objections and rejections of record be withdrawn, that all pending claims be allowed, and that the application be passed to issue.

Except as otherwise stated in the above noted Remarks, Applicant notes that each of the amendments have been made to place the claims in better form for U.S.

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practice, not to distinguish the claims from prior art references, otherwise narrow the scope of previously pending claims or comply with other statutory requirements.

If any points remain in issue, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Petition is hereby made for a two-month extension of time as provided by 37 C.F.R. §1.136. Permission is hereby given to charge the fee required under 37 C.F.R. §1.17 to Deposit Account Number 50-0238. If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any required fees, including but not limited to those fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted on behalf of
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